

## BILL ANALYSIS

Senate Research Center

H.B. 1269  
By: Yost  
Natural Resources  
9-13-93  
Enrolled

### BACKGROUND

Chapter 6 of the Texas Water Code addresses the general powers and duties of the board members and executive administrator of the Texas Water Development Board (board). Chapters 15 and 17 of the Water Code provide for the board's administration of financial assistance to eligible political subdivisions for projects relating to water supply, treatment works and flood control.

### PURPOSE

As enrolled, H.B. 1269 provides for the powers of the Texas Water Development Board and the executive administrator of the board.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 6.183, Water Code, as follows:

Sec. 6.183. EMPLOYMENT OF PERSONNEL. Requires the executive administrator to employ necessary personnel for the Texas Water Development Board (board). Authorizes the executive administrator to delegate powers and duties to deputy executive administrators.

SECTION 2. Amends Section 15.011(b), Water Code, to make a nonsubstantive change.

SECTION 3. Amends Sections 15.012(c) and (d), Water Code, as follows:

(c) Requires money appropriated to the fund by the legislature for a specific purpose stated in Subchapters C, E, F, or M, of this chapter to be placed in the appropriate fund created by that subchapter.

(d) Authorizes the money held in the fund to be invested as provided by law for investment of money under Section 404.024, Government Code. Deletes existing subchapter.

SECTION 4. Amends Chapter 15L, Water Code, by relettering as Subchapter 15M, as follows:

#### SUBCHAPTER M. HYDROGRAPHIC SURVEY PROGRAM

SECTION 5. Amends Section 15.431(c), Water Code, to authorize money in the agricultural trust fund to be invested in the manner provided for investment of money under Section 404.024, Government Code, rather than in the permanent school fund.

SECTION 6. Amends Section 15.602(1), Water Code, as follows:

Sec. 15.602. Definitions. Amends the definition of "authorized investments."

**SECTION 7. Amends Section 15.803, Water Code, as follows:**

**Sec. 15.803. USE OF ACCOUNT.** Authorizes money in the account to be used only to pay the costs of insurance for watercraft and capital equipment.

**SECTION 8. Amends Section 17.083, Water Code, as follows:**

**Sec. 17.083. INVESTMENT OF RESERVE MONEY.** Authorizes the board to invest any money in investments authorized by law for state deposits under Section 404.024, Government Code.

**SECTION 9. Amends Section 17.124, Water Code, as follows:**

**Sec. 17.124. CONSIDERATIONS IN PASSING ON APPLICATIONS.** Requires the board to consider, in passing on an application from a political subdivision for financial assistance for a water supply project, the relationship of the water supply project to the overall, statewide water needs, and the relationship of the water supply project to the state water plan, and the availability of revenue to the political subdivision. Deletes other factors the board is required to consider.

**SECTION 10. Amends Section 17.125(a), Water Code, as follows:**

**Sec. 17.125. APPROVAL OF APPLICATION.** (a) Authorizes the board by resolution to approve an application if, after considering the factors listed in Section 17.124 of this code and any other relevant factors, the board finds:

- (1) that the public interest requires state assistance in the water supply project; and
- (2) that in its opinion the revenue or taxes pledged by the political subdivision will be sufficient to meet all the obligations assumed by the political subdivision during the succeeding period of not more than 50 years.

**SECTION 11. Repealer: Section 17.126, Water Code (Findings Regarding Permits).**

**SECTION 12. Amends Section 17.275, Water Code, as follows:**

**Sec. 17.275. CONSIDERATION IN PASSING ON APPLICATION.** Requires the board to consider the relationship of the treatment works to the overall, statewide water quality needs; and to water quality for the state. Requires the board to also consider the availability of revenue and whether the political subdivision has been designated to provide a regional system. Deletes other factors the board is required to consider.

**SECTION 13. Amends Sections 17.276(d) and (e), Water Code, as follows:**

**Sec. 17.276. ACTION ON APPLICATION.** (d) Requires the board, rather than the commission, to review and approve or disapprove plans and specifications for all sewage systems in a manner that will satisfy commission requirements for design criteria and permit conditions that apply to construction activities. Deletes existing subsection.

- (e) Deletes language providing an exception. Makes a nonsubstantive change.

**SECTION 14. Amends Section 17.277, Water Code, as follows:**

**Sec. 17.277. APPROVAL OF APPLICATION.** (a) Authorizes the board, by resolution, to approve an application if, after considering the factors listed in Section 17.275 of this code, the board finds that the public interest will benefit from state assistance in the financing of the treatment works. Deletes Subdivision (2).

- (b) Deletes existing language relating to an application for financial assistance and redesignates text of Subsection (c).

(c)-(f) Redesignates existing Subsections (d)-(g).

SECTION 15. Amends Section 17.899(a), Water Code, to authorize the board to approve an application if, after considering the factors in Section 17.898 and other relevant factors, the board finds that a borrower district has the ability to repay, rather than prepay, the conservation.

SECTION 16. Emergency clause.  
Effective date: upon passage.